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PATENT APPLICATION 10/29/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8275

Johnson CHUNG, et al.

Appln. No.: 10/057,561

Group Art Unit: 1651

Confirmation No.: 4657

Examiner: LILLING, H. J.

Filed: January 29, 2002

For: MUTANT ACTINOSYNNEMA PRETIOSUM STRAIN WITH INCREASED
MAYTANSINOID PRODUCTION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Office Action mailed August 9, 2002. The examiner set a one month period for the response. Attached hereto and herein incorporated by reference is a Petition for a two-month extension of time, making the due date for response November 9, 2002.

In response to the restriction requirement set forth in the Office Action, Applicants elect **Group I**, which includes claim 1, for examination. This election is made **without traverse**.

Applicants note that under 35 U.S.C. §103(b)(1), a biotechnological process using a composition of matter that is novel under §102 and nonobvious under §103(a) shall be considered nonobvious if claims to the process and the composition of matter are contained in the same application.

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Therefore, Applicants request that if claim 1, directed to a bacterium, is allowed, that claims to the method of using the bacterium (claims 2-4) be rejoined and held allowable under 35 U.S.C. §103(b)(1).

Applicants reserve the right to file a Divisional Application directed to non-elected claims 2-4.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: October 23, 2002

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